

2008

Board of Vocational Nursing
and Psychiatric Technicians

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8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2005-1777

12 CARLITO PAAR MANABAT, JR., AKA JUNE
MANABAT
13 3500 Easy Avenue
Long Beach, CA 90810-2221
14 Vocational Nurse License No. VN 149336

A C C U S A T I O N

15 Respondent.

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17 Complainant alleges:

18 PARTIES

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
20 Accusation solely in her official capacity as the Executive Officer of the Bureau of
21 Vocational Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs.

22 2. On or about August 8, 1990, the Bureau of Vocational Nursing and
23 Psychiatric Technicians issued Vocational Nurse License Number VN 149336 to Carlito Paar
24 Manabat, Jr., aka June Manabat (Respondent): The Vocational Nurse License was in full force
25 and effect at all times relevant to the charges brought herein and will expire on February 28,
26 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Bureau of Vocational Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 101.1(b) of the Code states:

"(1) In the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer.

"(2) Any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that board is inoperative or repealed. Every reference to the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to the department."

5. Section 150 of the Code states: "The department is under the control of a civil executive officer who is known as the Director of Consumer Affairs."

STATUTORY PROVISIONS

6. Section 2875 of the Business and Professions Code (Code) provides, in pertinent part, that the Bureau may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

7. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

1 8. Section 2878 of the Code states:

2 "The Board may suspend or revoke a license issued under this chapter [the
3 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

4 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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6 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
7 abetting the violating of, or conspiring to violate any provision or term of this chapter.

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9 "(f) Conviction of a crime substantially related to the qualifications, functions,
10 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
11 conclusive evidence of the conviction.

12

13 "(k) The commission of any act punishable as a sexually related crime, if that act
14 is substantially related to the duties and functions of the licensee.

15 9. Section 490 of the Code provides, in pertinent part, that the Bureau may
16 suspend or revoke a license when it finds that the licensee has been convicted of a crime
17 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

18 10. Section 125.3 of the Code provides, in pertinent part, that the Bureau
19 may request the administrative law judge to direct a licensee found to have committed a
20 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
21 investigation and enforcement of the case.

22 11. California Code of Regulations, title 16, section 2518.6(b), provides in
23 pertinent part that a licensed vocational nurse shall adhere to standards of the profession
24 and shall incorporate ethical and behavioral standards of professional practice
25 which include but are not limited to maintaining professional boundaries with the patient.

26 12. Section 125.3 of the Code provides, in pertinent part, that the Director
27 may request the administrative law judge to direct a licensee found to have committed a
28 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of

1 the investigation and enforcement of the case.

2 13. Section 490 of the Code states:

3 "A Board may suspend or revoke a license on the ground that the licensee has been
4 convicted of a crime, if the crime is substantially related to the qualifications, functions, or
5 duties of the business or profession for which the license was issued. A conviction within the
6 meaning of this section means a plea or verdict of guilty or a conviction following a plea of
7 nolo contendere. Any action which a Board is permitted to take following the establishment
8 of a conviction may be taken when the time for appeal has elapsed, or the judgment of
9 conviction has been affirmed on appeal, or when an order granting probation is made
10 suspending the imposition of sentence, irrespective of a subsequent order under the provisions
11 of Section 1203.4 of the Penal Code."

12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction of Crime Substantially Related to Practice)

14 14. Respondent is subject to discipline under Code section 2878, subdivision
15 (f), and in that Respondent has been convicted of the following crimes that are substantially
16 related to the qualifications, functions or duties of a licensed vocational nurse:

17 a. On July 18, 2007, in the Superior Court, County of Los Angeles, in the
18 case entitled *People of the State of California vs. Carlito Paar Manabat*, Case No. NA070520,
19 Respondent was convicted by the court of two counts of violating Penal Code section 243.4
20 subdivision (b) (sexual battery-institutional victim), a felony.

21 SECOND CAUSE FOR DISCIPLINE

22 (Sexual Misconduct Related to Practice)

23 15. Respondent is subject to disciplinary action under section 2878,
24 subdivisions (a) and (k) of the Code, on the grounds of unprofessional conduct in that
25 Respondent committed an act of sexual misconduct related to his practice. The circumstances
26 are as follows:

27 a. On or about March 16, 2006, while employed at Community Hospital of
28 Long Beach, Respondent was asked to relieve a sitter attending to AB, a psychiatric patient.

1 AB complained about breathing problems to Respondent. Respondent instructed the patient to
2 remove her undershirt because it was restricting her chest. Respondent then began massaging
3 the patient's upper chest and subsequently her breasts. Respondent told patient AB that it was
4 a good thing her breathing return to normal, otherwise he would have to pinch her nipple.

5 b. On or about March 16, 2006, while employed at Community Hospital of
6 Long Beach, Respondent was asked to relieve a sitter attending to LA, a psychiatric patient.
7 Respondent unlawfully touched an intimate part of LA against her will for the purposes sexual
8 arousal, sexual gratification, and sexual abuse.

9 THIRD CAUSE FOR DISCIPLINE

10 (Failure to Maintain Professional Boundaries)

11 16. Respondent is subject to disciplinary action under section 2878,
12 subdivisions (a) and (d) of the Code, in conjunction with California Code of Regulations, title
13 16, section 2518.6(b) in that Respondent failed to maintain professional boundaries as alleged
14 in paragraphs 12 and 13.

15 FOURTH CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct)

17 17. Respondent is subject to disciplinary action under section 2878,
18 subdivision (a) on the grounds of unprofessional conduct as alleged in paragraphs 12 and 13.

19 PRAAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters
21 herein alleged, and that following the hearing, the Director of Consumer Affairs /
22 issue a decision:

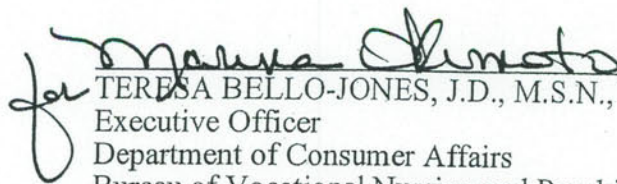
23 1. Revoking or suspending Vocational Nurse License Number VN 149336,
24 issued to Carlito Paar Manabat, Jr., aka June Manabat Carlito Paar Manabat, Jr..

25 2. Ordering Carlito Paar Manabat, Jr. to pay the Bureau of Vocational
26 Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement
27 of this case, pursuant to Business and Professions Code section 125.3;

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1 3. Taking such other and further action as deemed necessary and proper.

2 DATED: July 22, 2008

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5 
6 TERESA BELLO-JONES, J.D., M.S.N., R.N.
7 Executive Officer
8 Department of Consumer Affairs
9 Bureau of Vocational Nursing and Psychiatric
10 Technicians
11 State of California
12 Complainant

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